

CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED	JAN 20 2006
JOHN F. CORCORAN, CLERK BY: DEPUTY CLERK	20

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

GREGORY A. MILTON,)
Petitioner,) Civil Action No. 7:06cv00023
)
)
)
v.) MEMORANDUM OPINION
)
)
)
UNITED STATES OF AMERICA,) By: Samuel G. Wilson
Respondent.) United States District Judge

Petitioner Gregory A. Milton brings this motion to correct his sentence pursuant to 28 U.S.C. § 2255 claiming his sentence is unconstitutional under United States v. Booker, 543 U.S. 220 (2005). Milton has previously filed a § 2255 motion regarding the same conviction and/or sentence. See Milton v. United States, 7:00cv00031 (W.D. Va. 2000). Thus, his current § 2255 motion is successive, and the court may only review it if the Fourth Circuit has authorized Milton to file a successive § 2255 motion. 28 U.S.C. § 2255. Milton does not allege that the Fourth Circuit has authorized him to file a successive motion. Accordingly, the court lacks jurisdiction to review Milton's motion and, therefore, dismisses it.¹

ENTER: This 20th day of January, 2006.


UNITED STATES DISTRICT JUDGE

¹Moreover, the Supreme Court did not make Booker retroactive to cases on collateral review, meaning Milton may not raise a Booker claim in a § 2255 motion. See Booker, 125 S. Ct. at 769.